

Remarks

The Examiner has restricted the claims into 8 groups of claims, based on whether the N-containing ring on the left-hand side of formula I in Claim 1 is a 7-membered or 8-membered ring and whether X in that ring is C, O, or N, or is S or SO₂.

Applicants elect Group II, in which X is C and the ring is 8-membered, with traverse. The restriction is traversed because the compounds with the 7 and 8-membered rings and X as defined are closely related to one another structurally when considered as part of the larger ring system in Claim 1, and they also have the same therapeutic activity. A complete search should not be burdensome. A more reasonable restriction in this application would combine Groups I and II, so that the left hand ring is 7 or 8-membered, and X is C. Such a restriction would not be traversed.

The Examiner also required an election of species. The compound of Example 7 is elected.

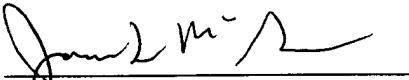
Please note that an Information Disclosure Statement is enclosed with this response. The Examiner should also note that Example 81 on page 84 of the previously disclosed reference WO 2004/41163 is the same as Example 10 of the instant application. Example 10 will be excluded from the claims if the Restriction Requirement is expanded to include both 7- and 8-membered rings in formula I.

Summary

- Group II is elected, with traverse, and with a request to combine Groups I and II.
- The compound of Example 7 is the elected species.

Examination on the merits is respectfully requested.

Respectfully submitted,

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